

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 20, 2010 has been entered.

Response to Arguments

Applicant's arguments, see Remarks, filed January 20, 2010, with respect to the pending claims have been fully considered and are persuasive. All previously discussed rejections have been withdrawn. The following claims remain pending in this application: claims 29-54 and 56-64.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Andrew Telesz on March 26, 2010.

The application has been amended as follows:

In claim 29, line 17, delete [[between]] and replace with --directly from--.

In claim 29, line 18, delete the word [[and]] which appears after the word "chamber" and before "the first collection chamber."

In claim 29, line 18, insert --to-- before "the first collection chamber."

Allowable Subject Matter

Claims 29-54 and 56-64 are allowed.

The following is an examiner's statement of reasons for allowance:

Devices are known within the art, which incorporate many of the basic features recited in the instant claims. Berndtsson's disclosure in US Patent 6,387,328 is most comparable in configuration to the instantly claimed invention.

In Berndtsson's patent, a device was described comprising a housing containing various compartments and channels, including a mixing chamber, a collection chamber, and a storage chamber. A bidirectional valve is provided within the device to enable or disable flow to certain compartments. Berndtsson's device does not, however, disclose or even suggest a particular embodiment wherein chambers are arranged in the exact communicative fashion recited in claim 29. Specifically, claim 29 recites the following:

"...a first collection chamber separated by a first wall from the first mixing chamber, the first wall having a first orifice for the passage of particles between the first mixing chamber and the first collection chamber..."

In other words, the fluid flows directly between the mixing and collection chambers. Because of the particular manner in which the valve in Berndtsson's patent is arranged relative to the chambers and other compartments within the device, it is impossible to achieve in Berndtsson's device a specific configuration which enables the "...passage of particles between the first mixing chamber and the first collection chamber...." In fact, additional inquiry into the prior art record yielded no evidence of such a teaching, nor any suggestion to build a device with such a configuration.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CEDRIC CHAN whose telephone number is (571)270-3721. The examiner can normally be reached on Monday-Thursday 8:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. C./
Examiner, Art Unit 1797

/Jill Warden/
Supervisory Patent Examiner, Art Unit 1797